IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2868 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NIMISHKUMAR PRAHALADJI ADHVARYU

Versus

UNION OF INDIA

Appearance: MR PUSHPADATTA VYAS for the Petitioner.
MR DN PATEL for Respondent No. 1-2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 16/04/2002

ORAL JUDGEMENT

#. Rule. Mr.Patel waives service of rule for the respondents. With the consent of the parties, the matter is taken up for final hearing today.

#. By filing this petition, the petitioner has prayed that the passport authority may incorporate correct birth date of the petitioner in his passport. In the original

passport, birth date was mentioned as 10.7.1956. However, subsequently the petitioner filed the suit for declaration and injunction and as per the order of the appellate court in Regular Civil Appeal No.31 of 2001, birth date of the petitioner is allowed to be changed and now the corrected birth date of the petitioner which is required to be considered is 18.7.1956. The petitioner has already made the application to the passport authority for correcting the birth date. However, copy of the same is not annexed with this petition. Learned advocate for the petitioner fairly stated that the petitioner will make one more additional application to the passport authority for correcting the birth date by relying upon the judgment of the Civil Court. The petitioner may make such application on or before 30th April, 2002. The Authority, after receiving such application, may dispose of the same and while deciding the same, the decree of the Civil Court may also be taken into account. After considering the evidence on record, the Authority may take appropriate decision for the purpose of issuing fresh passport to the petitioner. The petition is accordingly allowed to the said extent. Rule is made absolute accordingly.

It seems that the petitioner was negligent at the earlier point of time by not placing proper material. The petitioner is, therefore, directed to pay costs of Rs.2,000/- to the Department. Such deposit to be made within a period of two weeks from today.

#. In view of what is stated above, this petition is allowed. Rule is made absolute to the aforesaid extent with costs as quantified above. D.S.Permitted.

(P.B.Majmudar,J)
(pathan)